

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ORDER

THIS MATTER is before the Court on Defendant Hasbro, Inc.'s Motion for Summary Judgment (Doc. 37). For the reasons to be stated in a forthcoming Memorandum Opinion and Order,

IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment is GRANTED IN PART, DENIED IN PART, and DISMISSED as MOOT IN PART. Specifically, the Court:

- i. GRANTS summary judgment with respect to Plaintiff's claim of Patent Infringement, literally and under the doctrine of equivalents (Count I of Plaintiff's Complaint (Doc. 1)),
- ii. GRANTS summary judgment with respect to Defendant's counterclaim of Declaratory Judgment of Non-infringement (Count I of Defendant's Counterclaim (Doc. 14)),
- iii. DENIES summary judgment with respect to Defendant's counterclaim of Declaratory Judgment of Invalidity (Count II of Defendant's Counterclaim (Doc. 14)).

iv. DISMISSES as MOOT Defendant's affirmative defenses of Invalidity and Non-infringement.

The only claim remaining is Defendant's counterclaim of Declaratory Judgment of Invalidity (Count II of Defendant's Counterclaim (Doc. 14)).

This Order does not constitute a final judgment, and the time for appeal will not run until the Court issues the Memorandum Opinion and Order in accordance with Federal Rule of Civil Procedure 58.

IT IS SO ORDERED.

ENTERED this 7th day of October, 2013.

Alexandria, Virginia

10/7 /13

/s/

Gerald Bruce Lee
United States District Judge